

PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

A01020B

First named inventor: Subba Reddy Palli

Application No.: 09/965,703

Art Unit: 1647

Filed: 09/26/2001

Examiner: Shafer, Shulamith H.

Title: An Ecdysone Receptor-Based Inducible Gene Expression System

Attention: Office of Petitions
Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions
 Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

- ☐ has been filed previously on _____
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 1000.00

- ☐ has been paid previously on 05/31/2006 TBESHAH2 00000025 502860
☒ is enclosed herewith.

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03 FC:2453

750.00 DA

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/04 (09-04)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Camille Jolly-Tornetta
Signature

May 30, 2006
Date

Camille Jolly-Tornetta
Typed or printed name

48,592
Registration Number, if applicable

RheoGene, Inc.
Address

610/650-8734 x. 104
Telephone Number

2650 Eisenhower Avenue, Norristown, PA 19403
Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Issue Fee Transmittal, Issue Fee

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9308.

May 30, 2006
Date

Camille Jolly-Tornetta
Signature

Camille Jolly-Tornetta
Typed or printed name of person signing certificate

[Page 2 of 2]



RheoGene, Inc.

FACSIMILE TRANSMISSION

This Facsimile message is being transmitted from:
610-650-8755

2650 Eisenhower Avenue
Norristown, PA 19403

DATE: May 30, 2006

FORWARD TO: Issue Fee Branch FAX: 571-273-2885

FROM: Camille Jolly-Tornetta, Ph.D.

NO. OF PAGES: 5 (including this page)

RE:

Application No.:	09/965,703
Applicant	: Palli et al.
Filed	: September 26, 2001
Art Unit	: 1647
Examiner	: Shulamith H. Shafer
Docket No.	: A01020B
Customer No.	: 37978

CERTIFICATE OF FACSIMILE

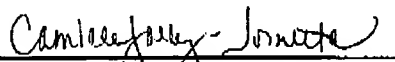
I hereby certify that the following correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated next to my signature below:

Petition for Revival-Unintentional (3 pgs.)

Issue Fee Transmittal (1 pg.)

May 30, 2006

Date


Camille Jolly-Tornetta

If all pages are not received, please call Carol A. Smith at 610/650-8734, ext. 100.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/965,703
Applicant : Palli *et al.*
Filed : September 26, 2001
Art Unit : 1646
Examiner : Joseph F. Murphy
Docket No. : A01020B
Customer No. : 37978

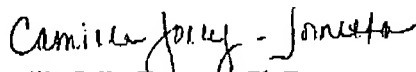
Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR §
1.137(b)**

Dear Sir:

The undersigned Agent has enclosed a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR § 1.137(b). The Commissioner is authorized to charge the \$750.00 small entity fee due in accordance with 37 CFR § 1.17(m) to Deposit Account No. 502860. Please charge any additional fees due or credit any overpayment to Deposit Account No. 502860.

Respectfully submitted,


Camille Jolly-Tornetta, Ph.D.
Registration No. 48,592

RheoGene, Inc.
2650 Eisenhower Avenue
Norristown, PA 19403
Telephone: (610) 650-8734
Fax: (610) 650-8755

Date: May 30, 2006